

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL ANDRE AZAN,

Plaintiff(s)

vs.

JAMES ERWIN, Warden,

Defendant(s)

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Case Number: 1:02cv434-SJD

District Judge Susan J. Dlott

JUDGMENT IN A CIVIL CASE

Decision by Court: This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

. . . that the petition for writ of habeas corpus is hereby DENIED.

. . . that a certificate of appealability shall not issue with respect to petitioner's grounds for relief because jurists of reason would not find it debatable whether this Court is correct in its ruling under the first prong of the applicable two-part standard enunciated in *Slack v McDaniel*.

. . . that with respect to any application to proceed on appeal in forma pauperis, the court certifies pursuant to 28 USC 1915(a)(3) that an appeal of this order would not be in good faith and therefore denies leave to appeal in forma pauperis.

2/3/05

JAMES BONINI, CLERK

s/Stephen Snyder
Deputy Clerk

Pursuant to S. D. Ohio Civ. R. 79.2(a) and (b), all models, diagrams, depositions, photographs, x-rays and other exhibits and materials filed or offered in evidence shall be withdrawn by counsel without further Order within six (6) months after final termination of the action. All materials not withdrawn shall be disposed of by the Clerk as waste.